

SEP 27 2006

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**TO:** Petition United States Patent and Trademark Office

Fax No. 571-273-8300

**FROM:** S. Robert Chuey

Fax No. 513-634-3752

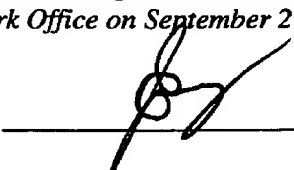
Phone No. 513-634-4223

Application No. : 08/914,743  
Inventor(s) : Michael Kenneth Cerreta *et al.*  
Filed : 08/19/1997  
Docket No. : 6586R  
Confirmation No. : 9009

## FACSIMILE TRANSMITTAL SHEET AND

## CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

*I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on September 27, 2006, to the above-identified facsimile number.*

  
\_\_\_\_\_  
(Signature)

Listed below are the item(s) being submitted with this Certificate of Transmission:\*\*

- 1) Petition For Revival of Application Abandoned Unintentionally (2 pgs)
- 2) Issue Fee previously submitted 12/3/2004
- 3) Fee Address Indication Form
- 4)

Number of Pages Including this Page: 5

Comments:

**\*\*Note:** Each paper must have its own certificate of transmission, OR this certificate must identify each submitted paper.

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09-27-2006

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US PATENT & TRADEMARK  
OFFICE

PTO/SB/64

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number  
6586RFirst Named Inventor: Michael Kenneth Cerreta *et al.*

Application No.: 08/914,743

Art Unit: 1623

Filed: 08/19/1997

Examiner: White, Everett

Title: Flowable Nondigestible Oil and Process for Making

Attention: Office of Petitions  
 Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (571) 273-8300

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The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

- ☒ Authorization is given to charge the required fee under 37 CFR 1.17(m), and any additional fees that may be required in connection with submission of this petition, or to credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

## 2. Reply and/or Issue Fee

A. The reply to the last Communication from the Office in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☐ is enclosed herewith.

## B. The issue fee(s)

☒ was previously paid on December 3, 2004

If the Issue Fee was not received by the PTO then authorization is given to charge the Issue Fee to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PTO/SB/64

## 3. Terminal disclaimer

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

4. Statement. The entire delay in filing the Issue Fee from the due date for the payment of the Issue Fee until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. More specifically, the Issue Fee transmittal form was prepared and filed on December 3, 2004 by Mr. Carl Roof (a copy is attached). It recently came to my attention that the US PTO either did not receive the Issue Fee transmittal form, or did not act on it when it was received. In any event, when I became aware of this discrepancy I took immediate action to prepare and file this petition.

9-27-2006

Date



Signature

Telephone Number: (513) 634-0102

S. Robert Chuey

Registration No. 39,140

CUSTOMER NO.: 27752

- Enclosures: ☒ Authorization to charge fee(s)  
☐ Reply  
☒ Issue Fee(s) Transmittal Form  
☐ Terminal Disclaimer Form  
☐ Additional sheets containing statements establishing unintentional delay  
☒ Fee Address Indication Form

[Page 2 of 2]

(Revised for P&amp;G use 04/25/2006)

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## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

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SEP 27 2006

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a maintenance fee notification.

should be completed where correspondence address as indicated "FEE ADDRESS" for

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for Fee(s) Transmittal. This certificate cannot be used for any other accompanying paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmittal.

domestic mailings of the Fee(s) Transmittal is deposited with the United States Postal Service with sufficient postage for above, or being facsimile, as indicated below.

27752 7590 09/22/2004

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
WINTON HILL TECHNICAL CENTER - BOX 161  
6110 CENTER HILL AVENUE  
CINCINNATI, OH 45224

Certificate of Mailing or Transmittal  
I hereby certify that this Fee(s) Transmittal is being transmitted to the Mail Stop ISSUE FEE address transmitted to the USPTO (703) 746-4000, on this date indicated below.

CARL J. Roof  
Carl J. Roof  
12-3-04

mission  
deposited with the United States Postal Service with sufficient postage for above, or being facsimile, as indicated below.

position's name  
Signature  
(Date)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 08/914,743      | 08/19/1997  | MICHAEL KENNETH CERRETA | 6-86R               | 9009             |

TITLE OF INVENTION: FLOWABLE NONDIGESTIBLE OIL AND PROCESS FOR MAKING

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO           | \$1330    | \$0             | \$1330           | 12/22/2004 |

| EXAMINER           | ART UNIT | CLASS-SUBCLASS |
|--------------------|----------|----------------|
| WHITE, EVERETT NMN | 1623     | 536-119000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

CARL J. Roof  
2  
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 1.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

The Procter + Gamble Co.

Cincinnati, OH

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group/entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies 2

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 16-2480 (enclose an extra copy of this form).

5. Change In Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Carl J. Roof  
Typed or printed name CARL J. Roof

Date 12-3-04  
Registration No. 37,708

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 15 minutes to complete, including submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Dept. of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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